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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY/DOCKET NO.	CONFIRMATION NO.
09/823,458	03/30/2001	Todd M. Altman	42390P10396	5718

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,458

Applicant(s)

ALTMAN ET AL.

Examiner

Julie Lieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23, 25-29, 31-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 25-29, 31-35, and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 24, 2005.

Claims 23, 29, and 35 have been amended. Claims 24 and 30 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 23, 25, 26, 28-29, 33-35, and 37 rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US Patent No. 6,353,398).

Claim 23

Amin et al. discloses a system, thus, a method comprising:

- a. Identifying a reference location;
- b. Receiving one or more criteria specified by a user from the portable communication device at substantially the same time of identifying the reference location (col. 4, lines 29-50); and
- c. Sending consumer information to a portable communication device wherein the consumer information is selected based at least in part on a vendor's proximity to the reference location and the criteria specified by the user from the portable communication device.

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See abstract and summary of invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Claim 25:

In Amin's, one or more criteria specified by a user pertains to at least one of a price, distance or quality for vendor goods or services. Col. 4, lines 29-50.

Claim 26:

In Amin, the consumer information is set in response to request by a user. See col. 6, lines 57-62.

Claim 28:

The method of identifying the reference location in Amin comprises receiving GPS coordinates from the user's portable device. Col. 3, lines 34-46.

Claim 29:

Amin teaches a method comprising:

- a. Transmitting information from wireless communication device, the information including location information and user specified criterion pertaining to at least one of a price or a quality for a vendor goods or services (col. 4, lines 29-50); and
- b. Receiving consumer information at the wireless communication device, the consumer information relating to one or more vendor goods or services which satisfy the user specified criterion and proximate to a location associated with the location information.

Claim 33:

The user specified criterion is entered into the wireless communication device by the user.

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Claim 34:

The user specified criterion includes at least one of a price range for an amount or fuel or minimum distance to travel. Col. 4, lines 29-50.

Claim 35:

Amin discloses a wireless communication device comprising:

- a. A processor (inherent); and
- b. A memory coupled to the processor, the memory storing instructions that when executed by the processor enable the wireless communication device to transmit information including location information and specified criterion to another device and receive consumer information at the wireless communication device, wherein the received consumer information relates to one or more vendor goods or services which satisfy the user specified criterion and are proximate to a location associated with the location information.

See abstract and summary of invention. Also col. 2, last paragraph and col. 4, lines 29-50.

Claim 37:

The wireless communication device in Amin has a display to display indicia representing the consumer information received at the wireless communication device.

Claim Rejections - 35 USC § 103

4. Claims 27 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Patent No. 6,353,398) in view of Titmuss et al. (US Patent No. 6,397,040).

Claim 27:

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Amin fails to disclose the reference location is received by location input into the portable device by the user. However, Titmuss suggest detecting the user's location by using a location updater which updates the user location based on the user input to a terminal. In light of this teaching, it would have been obvious to one skilled in the art to incorporate this feature in the Amin system because it would provide up to date information as desired.

Claim 31:

Amin fails to disclose that the consumer includes a name of the vendor. Nonetheless, this idea is well known as taught in Titmuss, col. 8, ll. 25-37. In view of Titmuss, a skilled artisan would have readily recognized applying this concept in the Amin system because it would be informative to the user.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Patent No. 6,353,398)

Claim 32:

Though not clearly stated in Amin that the user specified criterion is stored in non-volatile memory, it would have been obvious to one skilled in the art to store this information in non-volatile memory since it is a new user's preference and should be saved as desired.

Remarks

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal line extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2636

Jan. 05, 06